

SENATOR CARSTENS: Mr. President and Members of the Legislature. First of all, I want to answer something that's been a little bit in my mind, a remark made by Senator Chambers that he has had games played with him in this session. I was one of the few who, on the third go-around, came to vote on L.B. 12, but I can say at least, I don't know, I do not know whether I'll be believed, but I have never played any games with anybody and I've never played games with Senator Chambers and I'm not about to start now and I'm sorry he feels that way. I have gone out of my way many a time in an effort to support him and usually I was in wholehearted agreement with him--sometimes I was in doubt, but early in the struggle on L.B. 12, I told Senator Chambers I had misgivings about it and I was not wholeheartedly in favor of it because of the unhappy experience, among other things, we have had with it in my own community. So much for that. I certainly also agree with Senator Chambers in this bill. I took it home over the weekend and I examined it and I looked at the amendment and I compared it very carefully and it is another one of those peculiar situations that this Legislature finds itself in when it is constricted and often-times restricted by the Constitution. Now at the present time and I have been, sometimes have been critical of the courts in feeling that they do not provide adequate sentences within the limits of the penalty allowed for various crimes and one of the things that has infuriated me over the years was brought home and pointed out not too long ago in two different instances in our district courts in this State; when the accused were sentenced, the Judge very kindly told them, in effect, now I'm sentencing you to 5 years or 7 years for what you've done but you're only going to have to serve 12 or 15 months. In other words, you pass the sentence and with a broad wink assure the accused that I really don't mean it and this is one of the problems we have in the enforcement of our criminal law. Actually, the courts, we've taken away from the courts, along with the constitutional provision, we have taken away from the courts the power to sentence. Now this is a little stage show that is put on. The courts don't sentence anybody to any term of years. They just simply announce and pronounce in court, I'm sentencing you to so many years or so many days or so many months to the Penal Complex. The fact of the matter is they do no such thing. All this means is that the Sheriff will get a commitment order and take the defendant to the Penal Complex and from there on he's in the hands of the Board of Pardons and Parole who then, from then on have the fate of this particular person in hand and this is almost the same thing we're doing in this death penalty bill that we have and I'm not at all sure but I have some misgivings about it because I feel it, it's another one of those hoaxes, either let's have a death penalty or let's not, but if we're going to have a death penalty, let's not shoot it so full of holes that the whole thing becomes another one of those endless delaying farces that can go on for years and years and years in the courts in the appeals and so on and so on to determine whether or not we're ever going to execute that individual and by the time we get around to it, most of the people involved have died because of lapse of time. I, I do not know at this time, I do not know, I have no, I have absolutely no feeling. I like Senator Chambers and I, I realize that I suppose, that honest men can differ and I hope I'm honest, can differ and have difference of opinion without failing to have respect for each other, but I have never been able to see and I've seen a lot of death, I've seen a lot more death and probably as much as anybody in this Legislature and I have seen death in some horrible circumstances and I have seen death, not in ones and two's and three's but in hundreds and in some very, very unusual circumstances and conditions; but I, I have no feeling, I cannot and I'm sure I have as much compassion as a human being probably can have, but I can have no feeling for allowing a man to live who has deliberately, deliberately in malice or otherwise, taken the life of an innocent person. I just cannot see what